

Meeting of 1997-11-25 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
NOVEMBER 25, 1997 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

John T. Marley, Mayor Also Present:
Presiding Gil Schumpert, City Manager
 Felix Cruz, City Attorney
 Brenda Smith, City Clerk

The meeting was called to order at 6:16 p.m. by Mayor Marley. Notice of meeting and agenda were posted on the City Hall bulletin board as required by State law.

ROLL CALL

Present: Jody Maples, Ward One
 Richard Williams, Ward Two
 Jeff Sadler, Ward Three
 John Purcell, Ward Four
 Robert Shanklin, Ward Five
 Charles Beller, Ward Six
 Carol Green, Ward Seven
 Randy Warren, Ward Eight

Absent: None.

Consider approval of Minutes of November 10, 1997, Rescheduled Regular Lawton City Council Meeting.

MOVED by Green, SECOND by Sadler, to approve the minutes. AYE: Beller, Green, Warren, Maples, Sadler, Purcell, Shanklin. NAY: None. ABSTAIN: Williams. MOTION CARRIED.

AUDIENCE PARTICIPATION: None.

Mayor Marley announced that Item 2 would be delayed to the end of the business items at the request of the initiator. (See end of minutes for verbatim transcript).

UNFINISHED BUSINESS:

1. Consider adopting an ordinance amending Section 15-311, Lawton City Code, 1995, prohibiting body piercing of persons under the age of 18 without the presence of their parents or guardians. Exhibits: Ordinance No. 97-60.

Maples said she asked for this after being notified by several parents who had the unfortunate experience of having their minor children go to beauty parlors and having various parts of their bodies pierced. She said there are no laws that disallow that type of action so she requested an ordinance be developed which prohibits the body piercing of persons under the age of 18 without the presence of the parent or guardians.

MOVED by Maples, SECOND by Beller, to approve Ordinance No. 97-60, waive reading of the ordinance, reading only the title. (See amendment below)

Shanklin said the ordinance does not provide for a fine. Cruz said it is not in this particular ordinance, but the article where this will be included does provide for a fine.

Williams said he could not support this issue and did not feel the City should tell parents how to take care of their kids. He said it was his understanding that when the metal is removed, the body would grown back, with a resulting scar; he said he did not think the City should regulate the parents responsibilities with their kids. Maples said parents are trying to be responsible but beauty parlors are doing this without the permission of the parents and that is the reason for the ordinance. Williams said when he was young, girls pierced their own ears and the change seems to be the places on the body that are being pierced.

Warren said if it is not the Citys business to regulate anything having to do with children, the ordinance would need to be repealed on curfews. He said he had a problem with the wording of the ordinance regarding section c which states

physicians, surgeons, chiropractors, osteopaths and physical therapists who are duly licensed to practice in their respective professions in the state shall be allowed, basically, to do a and b. Warren said b involves the piercing of the flesh for the purpose of inserting and attaching jewelry and he did not think that exemption should exist. He said he understood they would be exempt regarding piercing of flesh because they will have to do that in their daily activities, but they should have the consent of the parent in this situation just as others.

Maples said that was not the intent, and the performance of a physician is not to pierce someones nose but would be a surgical matter to heal a body. Warren suggested reference to section b be removed from section c, where it says "the provisions of subsections a and b shall not apply" to these people. He said he understood it would not be part of their profession, but it is also saying if they deem it to be, that they can pierce the body for purposes of attaching jewelry.

Maples asked that the section be amended as Warren suggested. Warren said physicians may need to use tattooing in instances such as chemotherapy and that should remain as proposed.

Green asked if anyone in the audience wanted to speak on this subject, noting attendance of several young people.

Lew Hale, RR 2, Box 155, Rush Springs, OK, said he was present as part of a government class to observe the meeting. He said it was average at his school for students to have their bodies pierced and they are not wild people. Hale said it is unfair to stereotype all young people into one group, and that most of them do not pay attention to meetings. He said he felt young people would do this whether or not the ordinance was approved and it seemed futile.

Warren said he was not trying to prevent the piercing but felt the consent of the parents was needed. Williams said he felt it was an outlet for young people experiencing growing pains and wanting to stand out and be individual in their own right. Williams said it costs money to have the piercing done and if the parents did not like it, they could have their child remove the object and the skin would grow back. Shanklin said the young people are not adults until they are 18 and the hope was to prolong this until they may have a second thought. Maples said this would give the parents the ability to say they do or do not want their child to do this.

(Title read by Clerk) ORDINANCE NO. 97-60

AN ORDINANCE RELATING TO PUBLIC HEALTH AND AMENDING LAWTON CITY CODE, SECTION 15-311, ARTICLE 15, LAWTON CITY CODE, 1995, AS AMENDED BY ORDINANCE 97-39, PROHIBITING PIERCING OF THE BODY OF PERSONS UNDER EIGHTEEN (18) YEARS OF AGE WITHOUT THE PRESENCE OF A PARENT OR GUARDIAN.

VOTE ON MOTION AS AMENDED: AYE: Warren, Maples, Sadler, Purcell, Shanklin, Beller. NAY: Green, Williams. MOTION CARRIED.

BUSINESS ITEMS:

3. Hold a public hearing and consider an ordinance closing the easement between Lots 19-24 and Lots 25-30, Block 1, Koehler Addition, and declaring an emergency. Exhibits: Application; 300 Notification Map; Council Policy 5-1; Ordinance No. 97-61.

Bob Bigham, City Planner, presented a map of the area pointing out Ferris, Sheridan Road and Wal-Mart; proposed development is for WalGreen Store on 13 lots. E.D. Hill Surveying and Engineering has submitted an application to close the easement and proper notice was given for the public hearing. He said the City has a sanitary sewer line in the easement and plans by Hill have been submitted for approval, with an item expected in December for Council to approve the plans. Bigham said utility companies have indicated they were contacted by the applicant and plans have been made to relocate the utilities. The request is in conformance with Council Policy and staff recommendation is for approval.

Beller asked how the sewer line would be rerouted. Bigham said it runs east and west and they plan to run it to the north side and connect back to the main at Sheridan Road; there will be a 25 foot easement and a ten or 15 foot easement adjacent to Ferris Avenue right of way. Beller asked if any residences will be affected while the line is being relocated. Bigham said one house will remain and plans require they reconnect the house to the sewer line. Beller asked if the residents would be without sewer service. Bigham said Ihler indicated they will not be. Bigham said all utility relocations will have to be accomplished before the City can agree to District Court vacation.

PUBLIC HEARING OPENED.

Brian Daniel, E.D. Hill Surveying and Engineering, said they had reached agreement with utility companies and planned to relocate the gas line to the north of the site, the sewer to the south of the site, and the cable and SW Bell will be terminated in that easement; electricity will be relocated somewhere else other than the site. He said plans have been submitted and accommodations are being made to the comments.

PUBLIC HEARING CLOSED.

MOVED by Beller, SECOND by Williams, to approve Ordinance No. 97-61, waive the reading of the ordinance, read the title only, and declare an emergency.

(Title read by Clerk) ORDINANCE NO. 97-61

AN ORDINANCE CLOSING THE EASEMENT BETWEEN LOTS 19-24 AND LOTS 25-30, BLOCK 1, KOEHLER ADDITION, TO THE CITY OF LAWTON; AND DECLARING AN EMERGENCY.

VOTE ON MOTION: AYE: Warren, Maples, Williams, Sadler, Purcell, Shanklin, Beller, Green. NAY: None. MOTION CARRIED.

4. Hold a public hearing and consider an ordinance amending the 2020 Land Use Plan from Residential-Single Family and Duplex to Commercial and Office and changing the zoning from R-1 (Single Family Dwelling District), R-4 (High Density Apartment District) and F (Floodplain District) to P-O (Professional and Office District) zoning classification located approximately at SW 40th Street and Lee Boulevard. Exhibits: Ordinance No. 97-62; Location Map; Site Plan; FEMA Map; Applications; LMAPC Minutes; Memoranda from Assistant Planning Director, Traffic Engineer, and Transportation Planner II; Excerpt from 2020 Land Use Plan.

Purcell said he felt he had a conflict of interest in this item and would not participate.

Bigham said the applicant is R.N. Baker Company; property is located on the north side of Lee Boulevard and location was pointed out on a map, as well as surrounding developments. He said the proposal is a professional office subdivision plat for nine lots. LMAPC on October 22 held a public hearing and proper notice was given; one person spoke in favor of the request during the public hearing and one person spoke in opposition. LMAPC recommended approval by a 7-0 vote.

Bigham said the property is in the flood fringe designation as determined by the FEMA flood maps and the applicant has been advised they would have to comply with the special flood hazard ordinance as well as the detention requirements in Chapter 19.1 during the subdivision phase. He said the Land Use Plan does talk about a medical, professional corridor along Lee Boulevard to support Cameron University and hospital type development. Bigham said the Land Use Plan is being amended but there is discussion in the Land Use Plan about the development of this area adjacent to Cameron and the hospitals and clinics.

Shanklin asked if this was the first request that involved a detention pond under the new ordinance, and asked if the water is supposed to flow to the north. Bigham said the drawing indicates the detention pond on the northern section of the property. Bigham said the water runs west to east. Shanklin asked if from Lee Boulevard back to the detention pond, will the water flow to the north to the detention pond. Bigham said that is the indication from the preliminary plans. Shanklin asked if the water would not flow out to Lee Boulevard. Bigham said they had not received detailed engineering plans of the subdivision and did not have the grading plan; preliminary design shows the detention structure on the north end of the development. Bigham said there are currently several ponds in the area and a water slide was in the area previously; natural drainage is to the north.

PUBLIC HEARING OPENED.

Rod Baker, R.N. Baker Company, offered to answer questions. Mayor Marley asked if he would comment on the drainage. Baker said Landmark Engineering had been doing a detailed study on the site and their recommendation was the one presented on the detention pond.

PUBLIC HEARING CLOSED.

MOVED by Beller, SECOND by Sadler, to approve Ordinance No. 97-62, waive the reading of the ordinance, read the title only.

(Title read by Clerk) ORDINANCE NO. 97-62

AN ORDINANCE AMENDING THE 2020 LAND USE PLAN FROM RESIDENTIAL SINGLE FAMILY AND DUPLEX TO COMMERCIAL AND OFFICE ON A TRACT OF LAND MORE PARTICULARLY DESCRIBED IN SECTION ONE (1) HEREOF; CHANGING THE ZONING CLASSIFICATION OF THE TRACT OF LAND WHICH IS HEREINAFTER MORE PARTICULARLY DESCRIBED IN SECTION TWO (2) HEREOF FROM THE EXISTING CLASSIFICATION OF R-1 (SINGLE FAMILY DWELLING DISTRICT) TO P-O (PROFESSIONAL AND OFFICE DISTRICT) ZONING CLASSIFICATION; CHANGING THE ZONING CLASSIFICATION OF THE TRACT OF LAND WHICH IS HEREINAFTER MORE PARTICULARLY DESCRIBED IN SECTION THREE (3) HEREOF FROM THE EXISTING CLASSIFICATION OF R-4 (HIGH DENSITY APARTMENT DISTRICT) TO P-O (PROFESSIONAL AND OFFICE DISTRICT); CHANGING THE ZONING CLASSIFICATION OF THE TRACT OF LAND WHICH IS HEREINAFTER MORE PARTICULARLY DESCRIBED IN SECTION FOUR (4) HEREOF FROM THE EXISTING CLASSIFICATION OF F (FLOODPLAIN DISTRICT) TO P-O (PROFESSIONAL AND OFFICE DISTRICT) ZONING CLASSIFICATION; AND AUTHORIZING CHANGES TO BE MADE IN THE 2020 LAND USE PLAN AND UPON THE OFFICIAL ZONING MAP IN ACCORDANCE WITH THIS ORDINANCE.

VOTE ON MOTION: AYE: Maples, Williams, Sadler, Shanklin, Beller, Green, Warren. NAY: None. ABSTAIN: Purcell. MOTION CARRIED.

5. Consider adopting an ordinance assessing and levying an excise tax of one quarter of one percent from July 1, 1998 through December 31, 1999, and a one and one quarter percent beginning January 1, 2000, for an indefinite period to be used for capital improvement projects and capital outlay of the city, and submitting the ordinance to a vote of the electorate. Exhibits: Ordinance No. 97-63; Schedule of Financing Options.

MOVED by Maples, SECOND by Purcell, to read and approve Ordinance No. 97-63.

Warren proposed removing "for an indefinite period of time" and inserting "through December 31, 2025". Maples agreed to the amendment. Purcell also agreed and noted the City Attorney had passed out a new ordinance that slightly differed from the one in the agenda folder.

Motion was amended to change "for an indefinite period of time" and inserting "through December 31, 2025".

Sadler said he would not support the ordinance as proposed. He asked if the Bar S tax goes off May 31, 1998, and if so, the tax rate would drop from 8.75% to 7.75% for one month, and then the first of July go back up. Sadler said that is not necessary, and if this were to pass, the tax should start June 1, 1998, so there would not be a different tax rate solely for the month of June because people have to change cash registers to comply. He said he felt 1.25% was too high.

SUBSTITUTE MOTION by Sadler, SECOND by Shanklin, to approve the ordinance with the adjustment of one month, and the rate be at 1% instead of 1.25%

Mayor Marley said he assumed both motions would be changing to the one month earlier period of time. Maples said her motion would be June 1, 1998 to December 31, 2025. Mayor Marley said the only change from the original motion and substitute motion are the rates of 1% or 1.25%.

Sadler said the City County Jail has the possibility of a tax, and they want it passed before this comes for a vote. He said he felt the voters would be more likely to approve a one cent sales tax, and if not approved, the Council should consider changing the utility structure to 2,000 gallons minimum or some other way, but that he felt the sales tax is too high.

Purcell asked if the tax ends May 31 on Bar S and Cruz said that was his understanding. Purcell said he thought this should be June also. Purcell asked if the original motion was amended to include June 1, 1998 and Cruz said yes.

Shanklin said he did not think Council had to do this right now but had all of next year to come up with a solution, and it may not be this one. He asked what the sales tax would be in the year 2000 if this passes. Purcell said it would be 7.5% under the substitute motion, or 7.75% under the original motion.

Shanklin said before this is done he felt a panel should overlook it, as well as the City County Jail, the School Board bond issue, and there are only so many dollars. He said he knew the City was mandated on this item but perhaps the water bills should accommodate the costs. Shanklin said the water increase may get the job done, whereas the sales tax may not because it is dropping and the economy is not stabilized.

Purcell said the City cannot wait until next year or there will be insufficient funds to meet the seven year mandate. He said the input he received was that people did not want to see a \$9 per month charge added to the water bill for the next 20 years, which is what it would take to raise \$62 to \$82 million, depending on inflation, and that does not cover anything on water pipes, which are in bad shape, or the streets.

Shanklin said he was aware there were many millions of dollars in projects needed but that the retail merchants should not be held hostage for the money. He said other groups would be wanting money also and an overview is needed. Shanklin said he would not be speaking against this, but did not support it and felt there are other alternatives. He said a group is needed to look at all aspects due to the magnitude of needs in Lawton which are not funded.

Mayor Marley said there are only two major sources of income for the City, those being sales tax or the water bill. He said if the sales tax is not approved, the Council must look to the water bills for income. Mayor Marley said a \$9 per month water bill raise would be hard on many people. He said the newspaper printed 3,500 water meters but there are at least 35,000; sales tax applies to everyone coming in to shop. Mayor Marley said he was not saying which should be done but only explaining the situation.

Beller said he thought procrastination was what got the City to the point it is at today, and to put it off any longer, it would behoove the Council tonight to make that determination. He said the task force idea is great but they would have enough projects to look at, and the responsibility for this expense is up to the Council to decide, and in the end, it will be the citizens deciding if they want to raise the sales tax, not the Council. Beller said the Council is asking the electorate to make the decision as to whether it would be on sales tax or the water bill; he said input he received was that sales tax was the preferred method.

Williams said if you continually look for the sales tax to generate enough money to bring the community out of its problems, it will have a more negative effect on the actual sales than an increase in the utility bill. He said in the big scheme, there will not be enough money with a one cent or a one and a quarter cent, or with an increase in the utility bill, to do what needs to be done. Williams said if Council wanted to make a stand, it should direct staff to bring back documents to increase the utility bills because that is where the money will end up coming from. He said in March, those who have said they support the sales tax, will not cause the election to pass. Beller said if it does not pass, the utility bill will be the revenue source. Williams said he understood and felt Council was shirking the responsibilities for which they were elected.

Mayor Marley asked that the ordinance be read in its entirety as called for in the substitute motion. The ordinance was read in its entirety by the City Attorney and City Clerk with changes noted through the discussion.

VOTE ON SUBSTITUTE MOTION: AYE: Sadler, Green. NAY: Williams, Purcell, Shanklin, Beller, Warren, Maples. SUBSTITUTE MOTION FAILED.

Mayor Marley asked for roll call on the original motion. Cruz said the ordinance would not be read again; the ordinance will remain the same except the rate would remain at .25% from June 1, 1998 until December 31, 1999, and it would be at the rate of 1.25% from January 1, 2000 to December 31, 2025.

VOTE ON ORIGINAL MOTION AS AMENDED: AYE: Purcell, Beller, Green, Warren, Maples. NAY: Sadler, Shanklin, Williams. MOTION CARRIED.

6. Consider acceptance of the Lake Lawtonka Master Plan and approve an agreement with OSU to prepare the Lake Lawtonka Master Plan Implementation Plan and develop a Master Plan for Lake Ellsworth. Exhibits: Executive Summary of Lake Lawtonka Master Plan; Lakes Master Plan Implementation Phase II Contract Proposal. (Lake Lawtonka Master Plan on file in City Clerks Office)

Schumpert said OSU has prepared the master plan. The next step would be to approve an agreement with OSU to develop implementation for Lake Lawtonka and a master plan for Lake Ellsworth, at a cost of \$3,200.

Williams said item six talks about social carrying capacity and asked what that meant. Dick Huck, Parks & Recreation Director, said OSU looked at how many people can use recreational and camping areas; social deals with recreational impact and people in the various recreational areas.

Beller said information shows we have reached the maximum social carrying capacity and it then stated "with distinct annoyance and apathy demonstrated by some of the recreation managers and business operators". He asked if people are annoyed by having customers. Huck said in some of their interviews with the lake patrons, some of the complaints were about contact with concessions and businesses around the lakes and the patrons felt they were not handled positively and the businesses became annoyed with them for having to provide service. Huck said detail was not provided in the executive summary, but the overall plan had 8-10 pages dealing with interviewing of patrons, and OSU was alluding to some of the interviews with the recreational users when they went to some of the stores, as well as some of the contact with City staff as they dealt with various recreational activities. Huck said the concessions, businesses and City staff could be more user friendly. Beller said we should make a point to tell them to be more user friendly; we are out there to serve the public and if this is the perception, we are not doing our job.

Shanklin said OSU sent out questionnaires and got back about 3% to run the data and asked the cost to implement the plan, if it was \$8-9 million. Huck said yes, and during implementation, a development cost analysis would be done. Shanklin said he did not know where that funding would be found and it bothered him to pay someone to tell him that you can have a real nice place for \$9 million. Williams said much of it can be done at low cost, although not a watch tower on the west side. Shanklin said there is a statement that the west side has reached its maximum limit. Huck said there areas which are maximized. Shanklin said in some areas, people can come in only when others go out on busy days, and nothing was touched on the west side because that is restricted for other people and their hunting. Williams said he hoped it would be a step by step approach.

Maples said she had a problem with the type of survey that was done, and the mail out survey is one of the poorest forms of research that can be conducted, especially with only a 3% return rate. She said the survey contained an incorrect return address. Maples said the findings show the lakes are not being used to their full potential, yet the recommendation is to increase the fees up to 30%, and she had a problem with that.

Williams said the person coordinating the study says the timing was not the best and agrees the response was not as good as they would have liked. He said he hoped a better sampling could be gained from those who use Lake Ellsworth, as well as the concessionaires there, and hopefully gain input from the concessions at Lake Lawtonka also. Huck said Dr. Canaday was the principal planner in the survey and he stated the timing was off but felt during the Lake Ellsworth phase they could go back and design a survey which may include some of the issues at Lake Lawtonka where they were unable to get a concise opinion.

MOVED by Williams, SECOND by Purcell, to accept the Lake Lawtonka Master Plan and approve an agreement with OSU to prepare the implementation plan for Lake Lawtonka and development of Lake Ellsworths Master Plan.

SUBSTITUTE MOTION by Maples, SECOND by Shanklin, to not accept this Lake Lawtonka Master Plan.

Maples said if we are going to try to implement action based on this plan, this is not a true research and does not give actual, factual information to make those changes.

Sadler said on the fee issue, there was a comment that review of comparable services at other locations shows the City is at the low end of fees for camping. He said he did not advocate raising fees, but the next sentence shows a problem, and it states that concessions realize they cannot compete with the Citys structure. Sadler said Robinsons Landing is leased and that person tries to rent a space but the City undercuts him around the corner, and for that reason, perhaps the fees should be reviewed because it is making it difficult for others who are trying to improve the lake.

VOTE ON SUBSTITUTE MOTION: AYE: Shanklin, Maples. NAY: Purcell, Beller, Green, Warren, Williams, Sadler. SUBSTITUTE MOTION FAILED.

VOTE ON ORIGINAL MOTION: AYE: Shanklin, Beller, Green, Warren, Williams, Sadler, Purcell. NAY: Maples. MOTION CARRIED.

7. Consider approval of the proposed Capital Improvement Plan for the City Lakes for FY 97-98. Exhibits: Proposed FY 97-98 CIP.

Proposed Capital Improvement 1997-98:

1. Remodel East Campground Restroom (Lawtonka) \$14,500
2. Remodel North Restroom (Lawtonka) \$14,000
3. Pavilion in Group Use #2 with Water & Electric (Lawtonka) \$10,000
4. Upgrade Electric Hookups at East Campground (Lawtonka) \$6,300
5. Sea Wall at East Campground (Lawtonka) \$10,000
6. Water line to Group Use Areas (Lawtonka) \$5,200
7. Rip-Rap at Lake Ellsworth \$5,000
8. Master Plan (Lakes Ellsworth & Lawtonka) \$6,200
9. Robinson Landing Sewer Project (Engineering Study-Lawtonka) \$3,800

TOTAL: \$75,000
Carry Over CIP from 1996-97 \$25,000
1997-98 Budgeted CIP 50,000
Boat House Assn. Grant for Pavilion 5,000
TOTAL: \$80,000

Huck said this item deals with proposed use of the \$50,000 that was set aside in the FY 1997-98 budget year, and also to prioritize the funds that were available in the FY 1996-97 budget. He said during the time they were involved with the Lake Lawtonka Master Plan, they initiated no recommendation to the Lake & Land Commission or Council on use of those funds pending the outcome of the master plan. He said the plan for Lake Ellsworth should be completed in late 1998.

Huck said the recommended improvements were alluded to in some degree in the master plan for Lake Lawtonka, primarily in the area of inadequate facilities for restrooms and improving the camp grounds. He said regarding construction of a large pavilion, the Lawton Boat Club would like to donate \$5,000 to the construction of the \$15,000 pavilion; \$10,000 would come from the General Fund. Huck said the Lake & Land Commission recommended approval of the proposed improvements.

Williams asked if any of this is on the north end of Lake Lawtonka. Huck said item nine is an evaluation of the sewer system at Robinsons Landing, which limits the expansion of the concession area. Williams asked if there were any other improvements for that area and Huck said none at this time.

Shanklin said \$14,000 for the large restroom on the east side of Lake Lawtonka would be a waste, and the facility should be something that would not be so likely vandalized. He said he would like to see the letter from DEQ or the Health Department regarding Robinsons Landing, and that more than \$3,800 should be spent in that area. Shanklin said if the area is limited, it is the City's problem because the concession is only a lease arrangement. He asked who would do the work on the projects. Huck said they would be done through the various maintenance staffs in Parks & Recreation. Shanklin asked if the staff out there now has this expertise. Huck said no, some will be done through the building maintenance staff. Shanklin said several of the shelters are not level at all and that he would prefer the items be discussed in a workshop to see if this is how the money should be spent, although the Lakes & Land Commission had worked hard on this.

Williams asked if funds were still out there to use toward matching funds. Huck said those are still dedicated. Williams asked how much a vandal proof bathroom would cost. Huck said concrete block design and some tile would be more sturdy but it means taking the existing restrooms out and rebuilding it. Huck said you can spend from \$50,000 to \$75,000 on a public restroom but it will be strong and durable; for a restroom with showers to State park standards, it would be \$60,000 to \$75,000. Shanklin said it could be done for less with City employees, and a facility is needed that can be hosed down and the drain will actually work, and we do not have that.

MOVED by Shanklin, SECOND by Williams, to workshop this.

Shanklin said he would like the Council to go look at these sites personally to see where the funds would be spent. Williams asked if the motion was to table this and Shanklin said yes. Green suggested video be presented to Council.

VOTE ON MOTION: AYE: Beller, Green, Warren, Maples, Williams, Sadler, Purcell, Shanklin. NAY: None. MOTION CARRIED.

8. Consider action regarding the Robinson Landing Concessionaire fencing improvement. Exhibits: Letter from Meese; Site Map.

Beller said he personally looked at the T Post and three strand wire fence; the Meeses had indicated they would put up a post and cable or similar type fence. He said this is as nice a fence as you would want to have and it accomplishes what it was intended to do, such as keeping traffic from driving across the property and controlling vandalism.

MOVED by Beller, SECOND by Warren, to approve the T Post and three strand wire fence currently in place at Robinsons Landing.

Williams said background information mentions on January 9, 1996, the Council approved the Robinsons Landing concessionaires request to make improvements by constructing additional camp sites, picnic pavilion and traffic control fencing. He said these improvements have been and asked if they had been counted toward the asset list of the concessionaire and if that list had been brought to Council. Huck said no, that he had received an estimated value of the improvements but it has not been brought to Council. Williams asked if that should come to Council or how often the improvements and upgrades should be addressed. Huck said he had discussed with the attorneys office whether it was necessary for the City to put an actual value on all the assets of the concessions; the only advantage the asset has as far as a price is if the City elects to do the buy out, but if the concessionaire is going to sell their improvements, then it is a moot point because the City is not involved in establishing those cost rates. Williams said if he had invested a considerable sum, he would like for the City to agree that the assets are there and the facility value had increased. Williams asked that staff work on that and bring it forward.

Maples said she did not have a problem approving the fence but the neighborhood is opposing it due to the type of fence it is. She said if you are in town and Building Development approves your plans but you do not build what is shown, you cannot come to Council for approval.

VOTE ON MOTION: AYE: Green, Warren, Maples, Williams, Sadler, Purcell, Shanklin, Beller. NAY: None. MOTION CARRIED.

9. Consider action to terminate Paul Hayes hay baling lease at Lake Ellsworth. Exhibits: 11/7/97 letter to Paul Hayes.

Mayor Marley said Mr. Hayes is present and had distributed a letter to Council. Beller said he would like to know if there was a way Mr. Hayes could cut the areas involved due to the dry weather and serious fire danger.

Paul Hayes, 2201 NW 22nd Street, said he did not cut the areas but that it was not his fault. Beller asked if Hayes would cut it now. Hayes said no. Beller said it needs to be cut if it is a fire hazard.

Williams asked what the problem was in getting it cut. Hayes said in January when he was awarded the contract, he explained he should not have had it to start with but Joe Henson told him he had to take it, although Hayes tried to explain his bid was not complete and he did not bid on round bales, but only square bales, so the bid was not complete and it was void. Hayes said he later found out he did not have to do what Henson said and he went to other people to get an amended contract, but did not get that until September 9, and worked on this for eight or nine months. Hayes said he cut section nine, 166 bales by one count and 189 by another count, but the weather then became wet and a frost occurred. He said there is no value to the hay now since the frost. Hayes said he bid \$4.25 per bale in August and it did not get approved until September and he cut what he could according to the weather.

Hayes said he did not disagree with the contract being canceled as long as it would not be held against him to bid in the future, and that he did not think it should be held against him. He said he presented suggestions in his letter and asked to read them aloud and make comment. Response was that the Council had read the letter. Hayes said he would like the audience to know his opinion and suggestions. Shanklin said Hayes paid \$800 for the one tract and the most the City had received in the last three years on all five tracts was \$1,300; Hayes is proposing to do this by the acre, which would be to the benefit of the City.

Hayes asked to express his opinion. Mayor Marley said the Council has the letter. Hayes said he thought the citizens should know what was going on in the bidding process and the amount of money coming in.

Purcell said Mr. Hayes signed the contract and if it was valid and approved by Council. John Veal, Purchasing Director, said the contract was approved by Council in January 1997 and Mr. Hayes did submit a bid for square bales, which was accepted by the department and approved by Council. Warren asked if the bid called for square or round bales. Veal said the specification was for round bales and Hayes bid only square bales and the department said that was acceptable to go square bales because it was a better price for the City and that was what was awarded. Williams asked if that did not happen until September. Veal said no, in September, Hayes requested an amendment to add the ability to bale the round bales, or four other types, and that was approved in September.

Purcell said he had no problem bidding it by acre in the future. Schumpert said it would go back to the Specifications Committee and that he would not recommend that method. Mayor Marley said another item in his letter is that he does not want this held against him in future bidding. Beller said he had a problem with that.

Maples said it sounded like Mr. Hayes had been misled, and Council heard a couple of weeks ago where someone said they were in charge but that has been corrected. She said there was a memo on the table tonight dated November 11 from a Lake Patrol Supervisor, and there are several issues raised, such as why police officers are supervising some of the

conservation duties. Maples said the memo indicates the supervisor has observed the Lakes & Land Division performing various duties to include on-site monitoring of the hay baling contracts to insure compliance. She said if they had actually done that, it should have been brought to Council long ago saying he was not in compliance.

MOVED by Williams, SECOND by Green, to terminate Paul Hayes baling lease with the City to comply with the terms and conditions set forth in the agreement and rebid the hay baling leases at Lake Ellsworth with the one caveat that Mr. Hayes not be held in any negative light for this incident.

Shanklin said he thought the area should be cut now and go to the next bidder. Cruz said it cannot be passed to the next bidder because it had been awarded, and it needs to be terminated and rebid. Purcell asked if it could be bid on an emergency basis. Cruz said it could be declared an emergency, which would shorten the bidding period, but it must be rebid. Williams said the bales may be worth less since the frost so it would not be fair to go to the next bidder and ask him to take it for what he bid. Mayor Marley said that could not be done anyway. Shanklin requested Pat Sullivan be given permission to speak.

Pat Sullivan, attorney, said he was speaking on behalf of Edward Hillary, who was the second highest bidder and had the contract for between six and eight years and had never defaulted or had complaints. He said he thought it was appropriate or necessary for the next highest bidder to be considered if the other one defaulted or did not perform. Cruz said no, the bid had been awarded, would be terminated and the bid process would begin again. Shanklin asked if Hayes could sub-lease. Cruz said he would have to look at the lease.

Sullivan said something needs to be done to cut it to remove the fire hazard and Hillary could either brush hog it or cut it. He said Hillary had always carried workers comp and liability insurance, and suggested anyone getting the contract be required to put up a bond to insure the will complete the work, and that Mr. Hillary was willing to do that.

Shanklin said he would like to make a substitute motion that if Mr. Hayes is willing, that he sublease it. Cruz said the contract with Mr. Hayes does not provide for subleasing. Shanklin withdrew the substitute motion. Discussion was held on the City's ability to consider past performance in bid award and Cruz said that is one of the considerations of Council.

SUBSTITUTE MOTION by Beller, SECOND by Purcell, to terminate Paul Hayes baling lease for failure to comply with the terms and conditions set forth in the agreement and rebid the hay baling leases at Lake Ellsworth as an emergency. AYE: Williams, Sadler, Purcell, Shanklin, Beller, Green. NAY: Warren. OUT: Maples. SUBSTITUTE MOTION CARRIED.

10. Consider suspending Section 5E of the Council Rules of Procedure, and if suspended, reconsider Ordinance No. 97-58 making it an offense not to wear seat belts in passenger cars. Exhibits: None.

MOVED by Beller, SECOND by Shanklin, to suspend Council Rule 5E. AYE: Sadler, Shanklin, Beller, Warren. NAY: Williams, Purcell, Green. OUT: Maples. MOTION CARRIED.

Cruz said six affirmative votes are required to suspend the rules. Mayor Marley said the item would not be discussed.

11. Discuss the Lawton Metropolitan Airport Authority to clarify certain issues relating to existing provisions of the City Code and indebtedness of the Authority and take appropriate action. Exhibits: Opinion Memorandum 90-24 dated 11/12/90.

Beller said a memorandum was circulated November 12, 1990, regarding the Airport Authority Trust, and it alluded to housekeeping items in the code as it related to the trust. Cruz said that was taken care of by Ordinance 90-43 December 11, 1990. Beller said another item was when and if the Authority could be terminated and the opinion at that time was that it could not be terminated earlier than 2002 because of indebtedness of the Authority; there is also a clause that states the City, as beneficiary, must approve all indebtedness undertaken by the Authority. Beller said it was the consensus of the Authority to request approval from Council on any indebtedness; original thought was that it applied only to bond indebtedness, however, there is a letter of credit that may require consideration.

Beller said Chuck Wade, Attorney for the Authority, Barbara McNally, Airport Manager, and Pete Maurek, Authority member, are present and suggested Mr. Wade be allowed to speak. Wade said Bill Joyner, Authority Chairman, is also present.

Wade said the bond indebtedness addressed in the memorandum is the bond issue on the Metro Maintenance Hanger, or now Simmons Airline maintenance hanger, that pays out in 2002. The only reference to any other indebtedness is a sentence saying the City must approve all indebtedness undertaken by the Trust Authority, which has always been construed to mean long term debt or a debt that the Authority does not have ready assets available to pay. For instance, if the Authority orders \$20 in office supplies from Mr. Sadler's firm, and it is charged and the payment made at the end of the month, there are funds available to pay that. He said the letter of credit initiated a year ago in connection with collection of PFCs from the federal government; if there is a delay in receiving those, there would be a means of paying. The letter of credit has currently not been drawn upon at all, and based on the cash flow projections, there are currently \$50,000 in approved PFCs and the Authority has not been drawing them for the last year because there were not approved projects in place for them. The approved projects are now in place and the Authority will start drawing them again in January 1998.

Wade said if they must draw against the letter of credit, there would be enough PFCs in the bank to pay that as soon as the

PFCs are received. There is a 60 day plus lag time until they are paid by the federal government. He said he further advised the Authority that as a more conservative approach, the most logical thing to do to make sure everyone is working together and there are no violations of any statutes, and the bond indenture gives authority to incur debt, would be for the Council to authorize that line of credit for the purpose of meeting the 10% local match at the time it becomes payable. Before the PFCs were payable they had to go to the State Aviation Commission for matching funds but with the PFCs they have a mean to obtain the 10% of whatever the match is. He requested the item be considered on the agenda at a later date.

Beller said PFCs are Passenger Facility Charges, which are levied against tickets as people emplane in Lawton, and the current rate is \$3 per ticket. He said the charge is authorized by FAA and goes toward major operational expenses at the Airport. Wade said they will receive around \$14,000 per month beginning in January.

Purcell said one purpose of the trust is to acquire long term indebtedness and he asked if the attorneys agreed with the opinion that the City must approve those debts. Cruz said the Statute requires that the beneficiary approve all indebtedness of the trust. Wade said the key is what is to be construed as indebtedness under the Statute. Wade said he spoke with the attorneys at the airport in Oklahoma City and they all agreed if they had ready assets available to satisfy a debt, that it is not subject to this provision. Wade suggested the Statute may need to be amended to clarify it further. Beller said the logical step would be for Council to approve the debt and Wade said the establishment of the letter of credit.

Beller said the fuel farm has been completed with the assistance of the funds allocated by the Council, and those facilities are running. He said the airport is a jewel in the Southwest and the Airport Manager is to be commended for the extraordinarily diligent job she has done in bringing the airport up and she should be complimented.

Sadler said Wade made a hypothetical statement about buying something from his familys business but to avoid any misunderstanding he wanted to make a point for conflict of interest that no City funds are spent with any Council member as far as a business relationship. Wade apologized.

12. Consider adopting a joint resolution with the City Council of the City of Lawton and the Board of County Commissioners of Comanche County, Oklahoma, requesting the Oklahoma Department of Transportation to totally fund and reconstruct Flower Mound Road from Lee Boulevard to Tinney Road to support the Wackenhut Prison Facility. Exhibits: Res. No. 97-151.

Schumpert said the resolution passed by the County Commissioners was amended and Section 2 now reads that the Board of County Commissioners of Comanche County, Oklahoma, will review and approve plans and specifications prior to construction of the county road portion of the project. Shanklin asked if the Board of County Commissioners had the expertise to critique or override the Oklahoma Department of Transportation. Schumpert said the County Commissioners want to be able to review and approve the plans. Mayor Marley said they are charged with county road construction.

MOVED by Purcell, SECOND by Warren, to approve Resolution No. 97-151 as passed out with the changes the County Commissioners made yesterday. AYE: Williams, Sadler, Purcell, Shanklin, Beller, Green, Warren, Maples. NAY: None. MOTION CARRIED.

(Title only) RESOLUTION NO. 97-151

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF COMANCHE COUNTY, OKLAHOMA, AND THE CITY COUNCIL OF THE CITY OF LAWTON, OKLAHOMA, REQUESTING THE OKLAHOMA DEPARTMENT OF TRANSPORTATION TO TOTALLY FUND AND RECONSTRUCT FLOWER MOUND ROAD FOR INDUSTRIAL DEVELOPMENT.

13. Consider hiring an additional code inspector to pursue enforcement of code violations of high weeds and grass, junk cars, signs, and similar items, on a full time basis, whether or not complaints have been received on a violation. Exhibits: 10/28/97 Minutes Excerpt.

Purcell said this item was discussed previously and no action was taken. He said there was a misunderstanding in this regard and the intent is the department continues to do everything just as they are now and this is for one additional person, similar to what was done for the dilapidated buildings. Purcell said this would be one additional person who would spend his entire time going out and finding, not every code violation, but would find the high weeds and grass, junk cars, and signs. He said even if this is approved tonight, it does not mean the person needs to be hired tomorrow because there is obviously less work with grass during this time of year. Purcell said there may be a current employee that could be assigned full time to this position; however, next spring, those people would be needed for their normal jobs and at that point, a person may need to be hired. He said to clean up the City and stop the complaints from citizens on the length of time it takes to get the junk cars gone and the weeds mowed, this person, even though they have a program where they do the entire front street but not the alley, this will allow this person to spend all his time doing that. Purcell said if the Council is serious about cleaning up the City he felt this should be done.

Williams asked where the log jam would be if the person were hired and numerous violations were found. He asked Tucker if he would be better prepared next year as a result of this years experiences in knowing some of the owners of vacant properties and existing records of legal descriptions, and if the extra person is needed.

Dan Tucker, Code Administration Director, said staff has the ability to keep the legal descriptions on computer and tie them to the address; it was previously all paper so that helps with the time. He said there is no provision for abatement of junk vehicles short of citing someone through the court. Tucker said the person has about a month before arraignment, they are asked to plead, and it may take ten to twelve months to get it to a docket. He said when it is on the docket, the person may move the junk vehicle to another lot or the back yard and they have complied at that point, so the process then starts all over again.

Williams asked if Council approved the additional person as proposed, would there be the same problems next year. Tucker said he could not answer and they have changed some procedures as Purcell said and they now inspect by area or district, although it is still handled on a complaint basis where the complaint takes them to a street and everything on that street is inspected. Tucker said they could site violations in the area now and it would slow things down because there would be so many more. Williams said this seemed to be a good departmental initiative for next year.

Green said she would support this item and that an additional inspector is needed to pursue cleaning up the streets.

Shanklin asked if we had given up on dilapidated structures and the one person. Purcell said Council dedicated one person to do dilapidated buildings and he was saying one person should be dedicated to weeds, signs and those kinds of things, although if he sees a dilapidated building next door while he is doing weeds and grass, he should turn that in.

Shanklin asked if the inspectors still stay in the office from 8 to 10 a.m. Tucker said not on the code enforcement, it is now one hour in the morning and the last hour in the afternoon to answer the telephone calls. Tucker said construction inspectors are in from 8 to 10 a.m. reviewing plans and talking with contractors, but they do not come back in the afternoon. Shanklin said two new positions had already been approved for this and he did not see us gaining, and he did not know that another employee would solve this. Shanklin said the money is getting tighter and Council would be looking at the budget. Shanklin said doing this by area had to be better than going to distant locations at random. Tucker said there are a number of special projects going on in addition to dilapidated structures, such as the person who is accompanying the Fire Marshal in inspecting the schools and it is anticipated that the project will be finished by the end of January. Tucker said the person doing that is the one who was transferred from Solid Waste and he anticipated he would be doing the restaurant, grease trap things and while he is out there, he will do the signs.

Maples said Council passed an ordinance in August that was meant to help solve this problem on the weed abatement so people could be fined, and the next item has an ordinance to add real estate agents and that is good. She said staff has been able to cite people but that has not been done and hiring someone else may not solve the problem. Maples said one tool was provided but staff is apparently not using it.

Purcell asked Tucker if another person would help the situation. Tucker said he did not think it would help solve the problem at this point; the person would need a vehicle, training, radios, etc. and it would be in the spring before he could go out on his own. Purcell said with that in mind, he would like to drop the issue.

Schumpert said there is a difference in philosophy as to whether inspectors cite for code violations or whether they respond to complaints from citizens, and they currently investigate complaints. He said Purcell wishes that when the inspector observes a code violation, he acts on it whether a complaint has been received or not. Schumpert said Council could, by consensus at this time, direct staff to change the focus or approach and have the inspectors act on violations as they see them. It was the consensus of Council that inspectors should act on violations when they see them. Purcell said the person should still do the dilapidated houses because if he stops when he sees a violation on the way to the dilapidated house, he may never get there. Shanklin said a person did a brake job two blocks north of City Hall for two weeks and many people drove by it but they were not cited.

MOVED by Purcell, SECOND by Maples, to deny the item. AYE: Sadler, Purcell, Shanklin, Beller, Warren, Maples, Williams. NAY: Green. MOTION CARRIED.

14. Consider adopting an ordinance amending Section 15-208, Chapter 15, Lawton City Code, 1995, amending provisions relating to provisions for trash, weed, low hanging or dead tree limb abatement; and declaring an emergency. Exhibits: Ordinance No. 97-64.

Purcell said he requested this item also and at the last meeting, staff had not yet issued one citation. He said there was a letter from the City Attorney to Code Enforcement which further explained who could get citations. Purcell said this ordinance adds agents to the list of those who can be cited because many properties are vacant and managed by someone, so clarification was needed as to who could be cited. He said once this is done, it appears the process of issuing citations should begin, and if staff is not going to do that, this is a waste of time.

Maples said the ordinance was implemented in August and inspectors have gone to several homes with tall weeds and grass. She asked why no citations had been issued. Tucker said the citations that would be issued required a ticket book be produced and those were delivered yesterday. He said they had been able to gain cooperation for the most part, and they could write 100 citations but when it gets to court, if they mow it that morning, nothing is done with the citation because they are in compliance. Maples said they were not in compliance at the time the citation was issued and asked if that should be addressed with the judge.

Maples asked if a special ticket book was required for this one, specific ordinance. Tucker said no, the ticket books they had did not fall within the ability of the computer section to log it as they would with the tickets written by police officers to enter a badge number, ticket number, and show the code violation; that ability is now in place and the inspectors all have badge numbers. Maples asked if the communications section was responsible for that and Tucker said no, it is with the court clerk, and if you cannot do it with a citation, you do it with a formal complaint, and that can be done. Cruz asked Tucker if it was the same ticket book as the police use and Tucker said no. Cruz said municipal court needed to be able to enter information in the computer, and one of the identifiers needed was the date of birth or a social security number or some identification of the person so it could be tracked on the computer and they just recently got to that point. Tucker said if he went to a persons door and asked for their date of birth or social security number, and the person closes the door, he is just left standing.

Purcell asked if inspectors are to issue citations for tall weeds and grass, and they find someone to give it to, and that person goes before the judge and has mowed the grass by then, is it dismissed because it is no longer a violation. Cruz said that was not what he was saying. Tucker said it had happened in other instances in the past for junk vehicles. Shanklin asked if people are given a warning initially. Maples said not in this ordinance. Shanklin said people should be given the opportunity to do the abatement. Maples said the message was clear in August that if you let the grass get that far out of hand, you have gone past the warning stage and it is time to take action; there is no warning called for in the ordinance. Shanklin said he did not understand it that way and if you want to appear un-user friendly, start doing that. Warren said grass can get up to 12" tall and the person going in and out of the house would have obviously noticed that. Shanklin said warnings should be given.

MOVED by Purcell, SECOND by Green, to adopt Ordinance No. 97-64, declaring an emergency, waive reading of the ordinance, reading only the title.

(Title read by Clerk) ORDINANCE NO. 97-64

AN ORDINANCE AMENDING SECTION 15-208, CHAPTER 15, LAWTON CITY CODE, 1995, AS ENACTED BY ORDINANCE 97-39, AMENDING PROVISIONS RELATING TO PROVISIONS FOR TRASH, WEED, LOW HANGING OR DEAD TREE LIMB ABATEMENT; AND DECLARING AN EMERGENCY.

VOTE ON MOTION: AYE: Purcell, Green, Warren, Maples, Williams, Sadler. NAY: Shanklin, Beller. MOTION CARRIED.

Maples asked that staff focus on this ordinance and issue the citations. Shanklin asked what the fine would be. Schumpert said it would be up to \$200 and 30 days in jail, or the standard penalty. Warren asked if tickets could be issued for junk vehicles. Schumpert said staff had been issuing tickets for everything but weeds and grass. Schumpert said if a person is told their grass needs cutting and they appear to be cooperative, the inspector will ask them when they can get it done and give them a few days, then go back and check, and if it is not done, the would give a ticket. Warren asked if the tickets are dismissed if the violation is later corrected. Schumpert said the person would still have to go to court and pay court costs, so the person is being inconvenienced and has to pay some amount, although he did not know how it was routinely handled.

15. Consider adopting an ordinance amending Section 17-233, Chapter 17, Lawton City Code, 1995, amending the minimum age requirements for employment by the City. Exhibits: Ordinance No. 97-65.

Schumpert said the current code states the City cannot employ anyone under the age of 17 but the Fair Labor Standards Act allows that people be employed at various ages for different types of activities; the ordinance will allow that younger individuals be used in jobs they can perform.

MOVED by Williams, SECOND by Maples, to approve Ordinance No. 97-65, waive reading of the ordinance, reading only the title.

Beller said he thought it was encouraging 16 year old kids to seek full time employment and stay out of school and the City should not be in a position of hiring 16 year olds for anything, but to keep the minimum at 18. He asked if these would be full time employees. Schumpert said no.

Cruz said State law governs such employment and these people would be part time in jobs such as scorekeepers, at gates, etc. but there is a restriction on the type of job and number of hours per week and certain hours in the day. Schumpert said there is a rule on the hours when school is in session, and a different rule for the summer. Shanklin asked what types of jobs there would be and Schumpert said scorekeepers, time keepers, umpires, and so forth. Maples said staff would look at character references and the young people should be trying to make money and not get in trouble.

(Title read by Clerk) ORDINANCE NO. 97-65

AN ORDINANCE RELATING TO PERSONNEL, AMENDING SECTION 17-233, CHAPTER 17, LAWTON CITY CODE, 1995, AMENDING THE MINIMUM AGE REQUIREMENTS FOR EMPLOYMENT BY THE CITY.

VOTE ON MOTION: AYE: Shanklin, Green, Warren, Maples, Williams, Sadler, Purcell. NAY: Beller. MOTION CARRIED.

2. Consider moving the Lakes Division from the Parks & Recreation Department to the control of the Office of the City Manager and assigning the duties of the division to be solely maintenance related items; discuss lake concession operations. Exhibits: None.

The item is inserted verbatim for the record as follows:

Mayor: Item two is consider moving the lakes division from the Parks & Recreation Department to the control of the office of the City Manager and assign the duties of the division to be solely maintenance related items; and discuss lake concession operations.

Shanklin: Mr. Mayor, Council, I initiated this item and I dont want any reflection to be construed of any kind, nature, whatever, against Mr. Huck. I happen to know Mr. Huck for ten years, that his plate has been more than full, he just refuses to admit it. I got involved in this by driving out to the lake shore one day and noticing the weeds about 18 inches in on the road, and made a request to find out how could we get it mowed and I get a letter back from an individual out there that says he will not mow, hes not going to mow that with a bat wing mower but he did, its been mowed, he mowed it with a bat wing mower.

Also, I guess what really peaked my interest more than anything was that vehicles taken home by city employees, unit 300, 301 and 302, were called out on Saturdays, Sundays and holidays, after office hours during the week for emergency, also works with city street department on CIP projects, road repairs and grader work on Saturdays and Sundays, and I dont believe that. I went down there and talked to Mr. Woodall and Mr. Woodall, he could not verify any of that because it never happened. So if were going to make that excessive statement there, we may have made some other places.

Then there was a weed eater that was lost, and I dont know whether it was lost but they found it in a storage building because thats where they put it because it was blocking the entry way of the backhoe of getting in a garage, the weed eater they couldnt get it in there.

Weve had some problems out there in the loss of funds, we lost \$7,000 in 91, we lost \$6,000 in 93, I dont know whether weve done anything to change the way we have our bookkeeping or not. We have up until the present Lieutenant thats out there, there was a constant banter between lakes and lands and the lake patrol, each one, the lake, the shore, the lake patrol, lake rangers were busy covering their rear ends for being picked on by the other group because they had been denied the carrying of that pistol for some years. Mr. DeBoard, who the Lieutenant is out there now, is his son in law. He wrote you a letter right here dated November 11, and I doubt if it was dated November 11 why were just now getting it, in that we are, that is a cheer leading section, and I dont know that I believe any of that or not.

Council, there is a lady out there that lost her job, she was a police officer, she was threatened, and before she lost her job, she resigned, before she lost her job there was a dent in her pickup, and some untimely fashion she failed to report it and it would cost somewhere around \$250 and imagine a dent like that with your fist would cost \$250 to do a 96 vehicle. She was given a weeks suspension and later she was moved to downtown and then the tapes that I have that will be given to the City Manager and he and I discussed that, were not going to tell you whos involved in that and its not necessary. I do know that whenever an individual out there that can walk up to one of our concessionaires and say if you ever go over my head again Ill run you off of here and take your lease away from you, he doesnt have that authority, Council.

Theres three radios, they use our radio frequency for calling home and different children are using our radio frequency. I just dont think we need to be doing that.

Trees, Council, do you know that we give away our trees out there, on a three for one? Last Saturday I went out to the lake and caught up with a police officer named Robert Bishop. As soon as I got sat down I identified myself and sat down, he said I can tell you right now I cant talk or say anything about an individual. I said where did that come from. Now, I assume it came from the Chief, I dont know, but none the less, we couldnt talk about that, but he did, could show me some trees and tree plugs that hadnt been filled back in and were conservationists out there now, but we give a tree, three trees if they move one, and this police officer, Mr. Bishop, the last time he contacted or saw this firm out there, I want to see something on paper, oh, I dont have it, thats just the way it is, he said if you come out here, if I catch you out here again you better have something on paper, you know, Council, do you think that we should be doing that? Is that a policy that we have that give three for one if he moves one of our trees?

Beller: Explain to me if you would what does three for one mean?

Shanklin: They can have three of our trees out there on the lake.

Beller: Who?

Shanklin: And do whatever they want to with them.

Beller: Who is they?

Mayor: Who do you mean? I think what we dont understand is...

Shanklin: Three, you know the plug, plug a tree.

Beller: Where are they going?

Shanklin: We cant answer that. I think the City Manager will find that out in time, I think we will find out exactly what

happened to them, but its, some say its one for one, I think Mr. Huck will tell you its one for one, but the firm out there says its three for one and theres holes out there, Council, and I took pictures of them.

But that, I dont know who that deal is cut with, but we need to find that out. (everyone talking) Ive already talked to the City Manager and well get to it and Ive got a stack and three tapes that I want him to listen to and Council Im just trying to get you to be aware of the fact that this, those lakes out there dont belong to one individual, nor is his word law, and its got to stop. Theres a bike path over there now on the west side of Lake Lawtonka there is a sign up there about a three and a half by a three and a half and it tells you that if youve got a motorcycle or a four wheeler or a trail bike and you can get it over that A fence, over that ten foot fence, you can ride up there in the western half, west side of our lake. Its there, Ive got a picture of it. I hope it gets taken down.

I went to Jackson Creek. Jackson Creek is knee deep in trash. I took pictures of it. Jackson Creek is a primitive area, I believe, is it Mr. Huck? Yeah, we havent cleaned that, but were conversationalists.

Beller: Conservationists.

Shanklin: Ill get there, youre the conversationalist. We have, I already told you, theres no sense putting that out there right now, I think the City Manager knows it. Council, its just to the point where we have to grab hold of our lakes and lands and for us to do it, Mr. Schumpert is going to have to take charge of it personally.

Warren: I just had a quick question back to the tree thing because I just remember seeing something come across my mail about if you wanted to have a tree put in one of the parks it costs \$95. Now evidently we have a contract with the guy with the bucket that digs up the trees, I dont know, are we paying him the \$95, is that going into the park fund? Evidently there is a contract some place because it said contractor, so, evidently there is a contract. It shouldnt be hard to track down.
Shanklin: I have no idea, but its not....

Maples: I think what you were alluding to, I think, Gil, you sent us a memo to Terrace Hills Neighborhood Association about adopting a tree or stuff like that.

Warren: Is that the same contractor that wed be talking about?

Schumpert: Well, I think what were talking about is that we, if you recall, you all set up a special fund because we were getting monies in for people to do these things and we were losing the identity of that money because we were putting it in another fund and so you all established a separate fund.

Warren: I didnt have any trouble with the money, I was just remembering...

Schumpert: I think Mr. Huck is saying yes, it costs about \$95 a tree.

Warren: But it said the contractor so Im assuming there is a contract let for that whole purpose.

Schumpert: Hes saying yes to that.

Shanklin: Well, I think Mr. Huck can allude to that real quick. Do you have a contract? (response inaudible) Is it three for one?

Huck: We have a contract with Gleason Tree Service to move trees and of course we furnish the tree either at a park or we bring it from our tree farm out at the lake or from the native stand and he charges us \$95 for his actual service; we provide the tree.

Maples: But if a citizen wanted one of those trees...

Huck: Excuse me?

Maples: But if a citizen wanted one of those trees, are we providing the tree?

Huck: What we do, we do on a one to one basis, but those trees have to be put into either a recreation area or brought into town.

Maples: But its supposed to be one for one?

Shanklin: Council, that has been abused, is what Im trying to tell you. If you have the courage and the guts and you wanted to go through your investigative powers it gives you from the City Charter, you could, there are people out there who will tell you about it. I think the City Manager, he expressed a desire that hed take care of it so I dont have any problem.

Huck: Theyre supposed to plug those when they get finished when theyre moving them.

Mayor: OK, Mr. Beller.

Beller: Yes, I think it is, Mr. Shanklin has brought a lot of this stuff to the surface this evening but I think were back to this thing again that thats the responsibility of the City Manager and Mr. Huck and I think that we should put that burden of whatever on their shoulders and I know that Mr. Huck had told us a few weeks ago that he was in a reorganizational stage and I think hes working on a reorganizational package. Isnt this what you told us Mr. Huck? And hes nodding yes I think, so maybe what we need to do is ask the City Manager to investigate all these complaints, I think thats his responsibility, and I think the fact that you have enlightened us with those this evening is what we need to know and if in fact these things are happening, I think Mr. Schumpert should be the one to get on top of them and get on top of them immediately.

Shanklin: I want him, I want that moved out of there, that would be my...

Beller: Well, I think thats his call, I think that would be his call, I dont think we need to micro manage the City administration.

Shanklin: Well, I dont think thats micro managing.

Beller: Well, it would be if were going to tell him how to do that, now let me finish one more statement then Ill shut up, Mr. Mayor, if I may. I think the time to do those types of things is at budget time and I think with the reorganization schedule that Mr. Hucks supposed to come up with, its conceivable that he may say my plate is full and now is the time to move it and if we give him a chance, I think youve brought some things up that are serious, there have been some serious considerations and some serious charges and accusations made and if in fact they are founded to be true then its time we did take action but Im of the opinion that a lot of this things, its sour grapes on the parts of some people and I think that Mr. Schumpert should be charged with the responsibility of getting to the bottom of it and what youve enlightened us. Thank you.

Shanklin: Its not sour grapes. I can go another route with it and I will do it if thats how Councils going to do it, I can tell you that.

Mayor: Yes, Mr. Purcell.

Purcell: I agree with what Mr. Beller said. I agree, Bob, youve brought some very serious things up, I think we as a Council...

Shanklin: Not even half of them.

Purcell: OK.

Shanklin: Not one tenth.

Purcell: Whatever, there may be more. I think we need to direct that the City Manager investigate it and get to the bottom of it or even we do it if we want to go that route, but I dont think moving that under the City Manager or the Assistant City Manager solves the problem because if we do that, the Assistant City Manager is just another department head. Weve got better things for the Assistant City Manager to do than be another department head.

Shanklin: He will delegate that.

Purcell: Well, then it goes right back to Mr. Huck maybe, what Im saying is I can support the investigation, we need to get to the bottom of all those things and the stuff you didnt mention tonight, and that needs to be done quickly, but I cannot support just taking part of the lakes division and just giving it to the City Manager or Assistant City Manager. Lets let Mr. Huck, hes promised us in January when we see the budget that hes going to reorganize that department. Now, I would have preferred itd been done a long time ago but hes got to have time to do it, so in the next budget I would expect to see a complete reorganization of the Parks & Recs Department and maybe lands or lakes doesnt belong under there, but at this point in time I think we need to do the investigation, just not move it.

Mayor: Ms. Maples.

Maples: Well, with that in mind, this is not the first time that weve raised issues on the handling of the lakes department out there. I mean its pretty recent that we already handled one situation by one individual out there and if youre willing to support an investigation, John, then Ill make the motion that the Council do some internal investigations on whats going on out at that Lake Lawtonka.

Mayor: That would have to come up as an agendaed item, to do the investigation. Its easy to do.

Maples: Well then Id ask for Mr. Schumpert to bring that up at the next City Council meeting.

Mayor: Yeah, this item right here is the actual movement of this particular...

Williams: I dont think it has to be a formal deal, I think we can just direct the City Manager to go out there and make it

happen.

Mayor: OK.

Purcell: Weve got a City Auditor who can check a lot of that stuff out. Hes an expert at that.

Mayor: Whats the pleasure of the Council on this particular item?

Shanklin: Well, let me make my motion. My motion is to do what the staff is recommending, approve and direct reorganization as stated in the agenda item title and discuss the concession operations. Were still not through with Robinsons Landing. Council, I could stay here and talk another thirty minutes and let you listen to some tapes. If you all are going to stick your heads in the sand, Im going to go another direction with it. I promise you Im going to do it, find out whats going on out there and if you all are going to protect or stick your head in the sand, Im not. Now, I guess, well make a report on that, Mayor, but theres one more item.

Mayor: To discuss the, I kind of want to split this up because the discuss the lake concession operations really doesnt have anything to do with that particular first part of this, so Id like to take a vote to get the first part of this squared away.

Shanklin: Well, the first part says consider moving the lakes division from the Parks & Recreation to the control of the Office of the City Manager.

Mayor: Thats right.

Shanklin: And thats what they say that theyre to do, that is my motion, lets do that.

Mayor: Oh, OK, fine.

Beller: Id like to make a substitute motion.

Mayor: Wait a minute, is there a second to his motion?

Sadler: Ill second his motion to approve that.

Mayor: All right.

Beller: All right, Id like to make a substitute motion that we direct the City Manager to investigate the charges leveled by Mr. Shanklin and that he make an internal investigation in his department and report to Council. (went to next tape here)

Shanklin: Sixty days, you can do it in sixty.

Mayor: OK, further comments.

Sadler: My only question, when you say you can go a different way, what do you mean?

Shanklin: Well, youll find out, when they appear for you down here, when you get them in jail over there from the court house, Ill show you.

Mayor: Thank you, please call the roll on the substitute motion.

VOTE: AYE: Beller, Green, Warren, Maples, Williams, Purcell. NAY: Sadler, Shanklin.

Mayor: That item passed six to two. Now we go to discuss the lake.

Shanklin: Lets talk about I think its supposed to be Robinsons Landing, I dont see it on there.

Mayor: It just says lake concession operations.

Shanklin: And discussion of the Robinsons Landing concession, yes, it is in there, the fourth line up from the bottom. Council, we, maybe it didnt bother you all and evidently it didnt, but it did me, it took a year and a half for us to get to the School House Slough and we had two bidders and ended up with only really a legitimate one. Now you have an individual out there that wants to go ahead and put his money in there and increase the value of his camping concession and we should be, if were going to hold him for two years where he cant do anything, how would you like it? And I think if we gave direction to the City Attorney, he could find a way that we could extend that lease so that he can feel like hes got some comfort zone to protect his investment. Or do we just want it to lay there and go into the rags and weeds?

Williams: There is an alternative.

Shanklin: Well, lets hear it.

Williams: The present concessionaire could ask the City to terminate the lease and rebid it now, as opposed to waiting the

two year period and probably not investing a whole lot of money and have it rebid at that time.

Shanklin: Well, Mr. Cruz, where are you on that? I've read your comment where if he didn't like it he knew what he was signing that was just tough luck, I read that, is that the way it is?

Cruz: On the extension of the lease on Robinsons Landing? I was distracted for a minute there so what was the question?

Shanklin: Is there any way that his lease can be extended?

Cruz: I have researched that thoroughly, sir, and my response is no. The lease is on its final option year and that expires in 1999. The alternative is to agree to terminate the lease early and rebid the whole process.

Shanklin: It will take two years?

Cruz: He has two remaining years, sir.

Shanklin: Huh?

Cruz: He has two remaining years, January...

Shanklin: I know, but wouldn't it take us two years to rebid it?

Williams: 90 days.

Shanklin: And what does he do if he says I quit, does he still get to operate?

Williams: He cuts his losses.

Shanklin: Is that how you all want to do that?

Purcell: If he's going to lose....

Shanklin: If that's how you want to do it, do it.

Purcell: If he's going to lose in two years, why not give him the opportunity to do it now, then he knows where he stands for the next however long.

Shanklin: I just asked you does he or does he not have to quit operating his concession stand if he terminates his lease.

Mayor: Wait a minute, let's get down to order.

Shanklin: I am in order.

Mayor: No sir, there's no point in shouting at anybody, you don't need to do that, it's a discussion and we understand it and that's all it should be, we don't have to shout at one another.

Cruz: If the lease is terminated, then all the operations stop out there.

Beller: The only question, I know occasionally on bid items, is that different where we say if we don't receive an acceptable bid we continue with the same party? The same bidder on an item? I noticed a number of times we've got that in our agenda where bids were concerned on items that were purchasing, if we don't get a bid, then it says in our packet that we elect to continue to extend the same contract with this particular company. Would that have any bearing on what Mr. Shanklin was trying to accomplish?

Cruz: No sir, under some of, under the general contracts that we have, we advertise for a contract for one year with the provision that the contract may be extended by the Council and the parties for an additional year or two. Under the current agreement that we have with the concessionaire, it was advertised back in 1985 and it was awarded to the highest and the best bidder with the five year term with two options, so the options got to run its course then it's terminated then we rebid it just like we did with the School House Slough.

Schumpert: Felix, one other question, or this begs one other question as a possible solution, it's kind of a middle ground here, does the lessee have the ability to say I am requesting the Council to terminate the lease, let's see, this is November, the first of February, and then the City have the ability to go ahead and bid that in the meantime since we know that he intends to terminate the lease on a date certain in the future that's perhaps 90 days out, or whatever it would take us, and then, and then us go ahead and do the bid for that with an effective start date of whenever that bid ceases.

Cruz: Yes sir, the lease can be terminated early and advertised for bid.

Schumpert: So he could say I wish to terminate the lease effective say the first of March and we could start the bid process or the RFP process with, and in the packet saying you will take over the lease effective the first of March.

Cruz: Yes sir.

Schumpert: And that way theres no, the lessee doesnt have to, I mean theres no time in there where the lessees not, I mean that the concession or the operation of the concession is disrupted theoretically.

Cruz: Thats correct.

Williams: Let me make one comment though and it was something that we discussed a while ago and thats on the asset value, I mean, I know that the present concessionaire has spent a lot of money out there rebuilding, adding on, improving that facility and that is a must that has to happen prior to anything as far as rebidding or canceling or anything like that. Any response to that?

Cruz: At the present time, there is an asset list on this concession, it was dated about two or three years ago. It has a value of about 20, 20 or 30 thousand. If the Council and the Water Authority wants to review, update and modify that asset list, then the parties can agree to reviewing it, modifying it.

Schumpert: Felix, thats not...

Cruz: No, no, thats his question...

Schumpert: But Im saying that Mr. Huck is bringing to the Council, because thats already part of the contract, so thats going to be brought back and brought up to date.

Cruz: Yes sir, I was just responding to Mr. Williams question.

Williams: But I mean that asset needs to be done regardless of who does what.

Schumpert: Thats correct. And that asset, the current asset valuation would be what would be used in whatever approach we use for an RFP or rebid or whatever, and I dont know, I dont know because, I dont know which contract the current Robinsons Landing agreements under. I know we went through a lot of work and effort, time and energy of the Council to revise that lease agreement but I dont know if thats the one that Robinsons Landing is under but so we have a different approach in the current lease agreement to handling transfer of assets but thats assuming that the current lessee would not get the future contract. Were talking about, just thinking positively, the current lessee would get the lease agreement for the new term which would be I guess 15 years, or five years with two five year terms.

Williams: Mr. Hucks going to bring that back here what, maybe the first time in January or so?

Schumpert: Yes, I would hope that we would have it here by the first of January, by the first meeting in January.

END VERBATIM TRANSCRIPT

ADDENDUM ITEM: Consider adopting a resolution ratifying the action of the City Attorney in filing and making payment of the judgment in the Workers Compensation Case of Dennis M. Terry in the Workers Compensation Court, Case No. 96-19989X. EXHIBITS: RESOLUTION NO. 97-152.

MOVED by Beller, SECOND by Williams, for approval of Resolution No. 97-152. AYE: Green, Warren, Maples, Williams, Sadler, Purcell, Beller. NAY: None. ABSTAIN: Shanklin. MOTION CARRIED.

(Title only) RESOLUTION NO. 97-152

A RESOLUTION RATIFYING THE ACTIONS OF THE CITY ATTORNEY IN MAKING PAYMENT OF THE JUDGMENT IN THE WORKERS COMPENSATION CASE OF DENNIS M. TERRY FOR THE AMOUNT OF SIXTEEN THOUSAND DOLLARS (\$16,000.00), PER ORDER OF THE WORKERS COMPENSATION COURT, AND FILING A FOREIGN JUDGMENT IN THE DISTRICT COURT OF COMANCHE COUNTY FOR PURPOSES OF PLACING SAID JUDGMENT ON THE TAX ROLLS.

CONSENT AGENDA:

ITEM 16 WAS CONSIDERED SEPARATELY AS SHOWN BELOW.

17. Consider the following damage claims recommended for approval and consider passage of resolutions authorizing the City Attorney to file friendly suits for the claims over \$400.00: Sharon Gail Eason; Jose Moreno; and Franklin Roach. Exhibits: Legal Opinions/Recommendations. (Three resolutions on file in City Clerks Office)

(Title only) RESOLUTION NO. 97-153

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO ASSIST SHARON GAIL EASON IN FILING A FRIENDLY SUIT IN THE DISTRICT COURT OF COMANCHE COUNTY, OKLAHOMA, AGAINST THE CITY OF LAWTON; AND AUTHORIZING THE CITY ATTORNEY TO CONFESS JUDGMENT THEREIN IN THE REDUCED AMOUNT OF SEVEN HUNDRED FIFTY DOLLARS (\$750.00).

(Title only) RESOLUTION NO. 97-154

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO ASSIST JOSE MORENO IN FILING A FRIENDLY SUIT IN THE DISTRICT COURT OF COMANCHE COUNTY, OKLAHOMA, AGAINST THE CITY OF LAWTON; AND AUTHORIZING THE CITY ATTORNEY TO CONFESS JUDGMENT THEREIN IN THE AMOUNT OF ONE THOUSAND THREE HUNDRED EIGHTY-THREE AND 08/100S (\$1,383.08).

(Title only) RESOLUTION NO. 97-155

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO ASSIST FRANKLIN D. ROACH IN FILING A FRIENDLY SUIT IN THE DISTRICT COURT OF COMANCHE COUNTY, OKLAHOMA, AGAINST THE CITY OF LAWTON; AND AUTHORIZING THE CITY ATTORNEY TO CONFESS JUDGMENT THEREIN IN THE REDUCED AMOUNT OF THREE THOUSAND, NINE HUNDRED FIFTY DOLLARS (\$3,950.00).

18. Consider adopting a resolution amending Resolution No. 97-136 proposing an amendment to Article 2-5 of the City Charter relating to appointment of the City Attorney by the City Council. Exhibits: Resolution No. 97-156.

(Title only) RESOLUTION NO. 97-156

A RESOLUTION AMENDING RESOLUTION 97-136 PROPOSING AN AMENDMENT TO THE CITY CHARTER OF THE CITY OF LAWTON, OKLAHOMA.

19. Consider approving plans and specifications for the Wyatt Acres Branch Library Parking Lot Project 97-23 and authorizing staff to advertise for bids. Exhibits: Location Map. Action: Approve plans and advertise bid advertisement. Estimated cost is \$22,000; funding source is Fund 35, Branch Library Renovation.

ITEMS 20 AND 21 WERE CONSIDERED SEPARATELY AS SHOWN BELOW.

22. Consider adopting a resolution authorizing the Mayor and City Clerk to execute an agreement with the Oklahoma Department of Transportation (ODOT) for the Industrial Access Road Project. Exhibits: Resolution No. 97-157; Agreement. Note: Project is the construction of a southbound left turn bay and a northbound deceleration lane for right turns along Goodyear Blvd. at the Bar S Food Plant Entrance.

(Title only) RESOLUTION NO. 97-157

A RESOLUTION WHEREBY THE CITY COUNCIL OF LAWTON, OKLAHOMA, AUTHORIZES THE EXECUTION OF AN AGREEMENT BETWEEN THE CITY OF LAWTON, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION FOR THE INDUSTRIAL ACCESS ROAD PROJECT UNDER PLANS AND SPECIFICATIONS FOR STATE AID PROJECT NO. SAP-116B(016), STATE JOB NO. 16724(04) IN ACCORDANCE WITH THE TERMS AND TENOR OF 69 O.S. 1991, SECTIONS 1205, 1206, 1401 AND 1403.

23. Consider ratifying the action of the Lawton Water Authority concerning Kent Wallers development plan for School House Slough Concession Area with the conditions as agreed, and amend the legal description of the School House Slough. Exhibits: None. Action: Ratify Lawton Water Authority action to approve the item.

24. Consider approving a contract for a performance by Joy Harjo & Poetic Justice on January 24, 1998. Exhibits: None. (Contract on file in City Clerks Office) Action: Approve contract for a performance on January 24, 1998.

25. Consider entering into a letter of agreement with Great Plains Area Vo-Tech (GPAVT) for the specific purpose of conducting fire service training and sharing in the use and maintenance of the Swede Survival Flashover System. Exhibits: Letter of Agreement. Action: Authorize the Mayor and City Council to execute a letter of agreement with GPAVT for the specific purpose of conducting fire service training and sharing in the use and maintenance of the Swede Survival Flashover System.

ITEM 26 WAS CONSIDERED SEPARATELY AS SHOWN BELOW.

27. Consider awarding contract for building materials. Exhibits: Vendors Mailing List; Bid Tabulation; Recommendation. Action: Award contract to Comanche Lumber Company.

28. Consider awarding contract for laboratory services-diazinon. Exhibits: Vendors Mailing List; Bid Tabulation; Recommendation. Action: Award contract to Anachem, Inc.

29. Consider awarding contract for repair clamps, bell joint clamps and steel couplings. Exhibits: Vendors Mailing List; Bid Tabulation; Recommendation. Action: Award contract to Oklahoma contractors Supply and to Pioneer Supply.

30. Consider awarding contract for upholster damaged seats. Exhibits: Vendors Mailing List; Bid Tabulation; Recommendation. Action: Award contract to L & L Machine Shop.

31. Consider awarding contract for self-contained breathing apparatus. Exhibits: Vendors Mailing List; Bid Tabulation; Recommendation. Action: Award contract to Vallen Safety Supply.

32. Consider awarding contract for liquid sulfur dioxide. Exhibits: Vendors Mailing List; Bid Tabulation; Recommendation. Action: Award contract to Van Waters & Rogers.

33. Consider awarding contract for pole and pad traffic controller. Exhibits: Vendors Mailing List; Bid Tabulation; Recommendation. Action: Award contract to Traffic Signals, In

34. Consider awarding contract for de-icing rock salt. Exhibits: Vendors Mailing List; Bid Tabulation; Recommendation. Action: Award contract to Bingham Sand & Gravel.

35. Mayors Appointments. Exhibits: None.

Lawton Arts & Humanities Council: Carol Green

36. Consider approval of payroll for the period of November 17 through November 30, 1997. Exhibits: None.

Mayor Marley said the claimant is present to speak on Item 16. Purcell asked that Items 20 and 21 be considered separately. Williams asked that Item 26 be considered separately.

MOVED by Green, SECOND by Maples, to approve the Consent Agenda items as listed with the exception of Items 16, 20, 21 and 26. AYE: Warren, Maples, Williams, Sadler, Purcell, Shanklin, Beller, Green. NAY: None. MOTION CARRIED.

16. Consider the following damage claim recommended for denial: Giovanna Wilson. Exhibits: Legal Opinion/Recommendation.

John Vincent, Senior Assistant City Attorney, said street work was done at Mrs. Wilsons house, and as a result, part of the curb and sod in the street right of way had to be torn up. He said City crews attempted to replace the sod and make it live but were unsuccessful. Vincent said under the current code, the City is not responsible for damages to property located in the right of way when it must be removed to construct utilities or streets, and denial of the claim is recommended. He said Ms. Wilson had asked him to provide pictures and he did so at this time. Beller said this was expensive grass. Vincent said the sod was zoysia grass.

Mrs. Wilson said the grass was removed by machine, not by hand; and the statement was that it took two days to replace it but it actually took them three weeks. She said her neighbor, Mr. Watson, took care of it because at that time she was not home. Mrs. Wilson said they chopped the sod and did not properly install it, and if common sense had been used, she would not be present tonight. She said the yard cost a lot of money and the crews were negligent in their work. Mrs. Wilson said she knew it was an easement but at her other property on I Street, they put the sewer in, dug up the yard and took the fence out. She said they did not put the fence back up because it was in the easement, but they did some work with the grass. She said in her yard, she had to go to Oklahoma City to get the grass because it is the only place it is sold. Mrs. Wilson said her neighbor could say what a sloppy job the workers did.

Cruz said the main reason for the recommendation for denial is that the work was done in the right of way and the City is not responsible for damages in use of the right of way, which the City has the right to use to repair the facilities. Mrs. Wilson said this was in the front yard, not the back.

Warren said there are easements in the front, back and sides depending on the house and the area, and as much as he would personally like to pay the claim, he cannot because the City is not liable.

Mrs. Wilson said they made replacements on I Street because it is a main street that people travel, and the work was on the alley. She said the crews were negligent and it was part of her yard.

Purcell said this is located in Ward 4 and he would also like to do something, but always had to vote no when there were damages in easements because people use them at their own risk. Beller said the amount is not large, but it would set a precedent.

MOVED by Beller, SECOND by Maples, to deny the claim.

Mayor Marley said the thing that confuses this issue somewhat is that the City resodded it to begin with, so the Wilsons must have thought the City was responsible for it and did it wrong. He said the question is not whether the City should do it, because they already did, but the question is whether it was done right. Mrs. Wilson said the point is they did not do it right.

Maples said the City did not even have to make that effort because this is the City easement. She said they did try to make an effort, and that is not always done, but the effort was made and that should be commended.

VOTE ON MOTION: AYE: Maples, Williams, Sadler, Purcell, Beller, Green, Warren. NAY: Shanklin. MOTION CARRIED.

20. Consider authorizing the expenditure of Council Contingency funds for travel of the Public Works/Engineering Director to accept an award on behalf of the City from the Portland Cement Association. Exhibits: Verbatim extract of portion of 9/9/97 Council Meeting tape.

Purcell said he was in support of the Director making this trip but this department likely has the largest budget and it can absorb \$725, and if not, the Council can make provision at a later date. He suggested the money come from the existing Public Works budget.

Schumpert said Ihler did not want it on the agenda, but he disagreed because based on what happened at the agenda, they processed a claim and Finance said no, there was not a positive action by Council to use contingency funds. He said this item was to get the positive action from the Council, i.e., a vote, because Council had, in his opinion, already indicated that contingency funds could be used. Purcell disagreed. Williams said it was a statement by one member and he asked how much staff time went into doing this one agenda item.

MOVED by Purcell, SECOND by Warren, to authorize the money to come out of the departments budget to go on the trip. AYE: Williams, Sadler, Purcell, Shanklin, Beller, Green, Warren, Maples. NAY: None. MOTION CARRIED.

21. Consider giving formal notice to United States Fidelity and Guaranty Company to correct certain defective water, sewer, and street improvements in Heritage Hills Addition, Part 3. Exhibits: Location Map; Maintenance Bonds; Letters to Contractors dated 10/8/97; Memorandum from Engineering re: October 2 inspection; Memorandum from Engineering dated 11/12/97.

Purcell said the second paragraph of the background shows this is the same company they have seen several times. He said the next time the City receives a bid from this firm, it should seriously consider this.

MOVED by Purcell, SECOND by Williams, to give formal notice to United States Fidelity and Guaranty Company to correct defective water, sewer, and street improvements in Heritage Hills Addition, Part 3. AYE: Sadler, Purcell, Beller, Green, Warren, Maples, Williams. NAY: Shanklin. MOTION CARRIED.

26. Consider approving an agreement for refuse disposal with the Town of Temple, and authorize the Mayor and City Clerk to execute the agreement. Exhibits: None. (Contract on file in City Clerks Office)

Williams asked who picks up the refuse from Temple. Schumpert said he did not know, they bring it, the City weighs it and charges the usual tipping fee. Schumpert said Temple could do this anyway but DEQ requires proof that the refuse be disposed of in an approved site.

MOVED by Williams, SECOND by Warren, to approve the agreement for refuse disposal with the Town of Temple and authorize the Mayor and City Clerk to execute the agreement. AYE: Purcell, Shanklin, Beller, Green, Warren, Maples, Williams, Sadler. NAY: None. MOTION CARRIED.

BUSINESS ITEMS:

37. Pursuant to Section 307B2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the status of the negotiations between the City and IUPA, Local 24, and, in open session, consider adopting a resolution approving a Collective Bargaining Agreement between the City and IUPA. Exhibits: Resolution No. 97-158.

38. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending action and a settlement offer relating to the property in the vicinity of 52nd and Lee Boulevard, and, if necessary, take appropriate action in open session. Exhibits: None.

39. Pursuant to Section 307B1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the employment of Mr. Gilbert H. Schumpert, Jr. as City Manager, and, in open session, take action on the employment of Mr. Schumpert as City Manager, to include, if appropriate, action on an employment agreement. Exhibits: None.

MOVED by Williams, SECOND by Purcell, to convene in executive session as shown on the agenda. AYE: Shanklin, Beller, Green, Warren, Maples, Williams, Sadler, Purcell. NAY: None. MOTION CARRIED.

The Mayor and Council recessed from 9:30 to 9:40 p.m. and convened in executive session from 9:40 p.m. to 10:50 p.m. Roll Call reflected all members present upon convening in open session.

Cruz reported the Mayor and Council met in executive session to discuss Items 37, 38 and 39. He recommended adoption of a resolution approving an agreement with IUPA, Local 24, and authorizing execution of the agreement.

MOVED by Shanklin, SECOND by Williams, to approve Resolution NO. 97-158 and authorize execution of the agreement. AYE: Green, Warren, Williams, Sadler, Purcell, Shanklin, Beller. NAY: None. ABSTAIN: Maples. MOTION CARRIED.

(Title only) RESOLUTION NO. 97-158

A RESOLUTION APPROVING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF LAWTON AND THE INTERNATIONAL UNION OF POLICE ASSOCIATIONS, LOCAL 24, FROM JULY 1, 1997 THROUGH JUNE 30, 1998, FOR FULL TIME COMMISSIONED MEMBERS OF THE CITY OF LAWTON POLICE DEPARTMENT EXCLUDING THE CHIEF OF POLICE AND THE ASSISTANT CHIEF OF POLICE.

Cruz recommended denial of the claim of Mr. Powell listed in Item 38.

MOVED by Williams, SECOND by Purcell, to deny the claim of Mr. Powell. AYE: Warren, Maples, Williams, Sadler, Purcell,

Shanklin, Beller, Green. NAY: None. MOTION CARRIED.

Mayor Marley said the Council considered, in executive session, the employment of Mr. Schumpert as City Manager.

MOVED by Williams, SECOND by Shanklin, to extend the City Managers agreement for another year at the same wages and the same car allowance.

SUBSTITUTE MOTION by Purcell, SECOND by Warren, to approve the City Managers contract for one year at an increase of 2.5%, the same as all City employees got last year, with the \$400 car allowance. AYE: Maples, Sadler, Purcell, Shanklin, Beller, Green, Warren, Marley. NAY: Williams. SUBSTITUTE MOTION CARRIED.

REPORTS: MAYOR/CITY MANAGER/CITY COUNCIL: None.

There was no further business and the meeting adjourned at 10:55 p.m.

VERBATIM TRANSCRIPT 11/25/97 COUNCIL:

Mayor: Item two is consider moving the lakes division from the Parks & Recreation Department to the control of the office of the City Manager and assign the duties of the division to be solely maintenance related items; and discuss lake concession operations.

Shanklin: Mr. Mayor, Council, I initiated this item and I dont want any reflection to be construed of any kind, nature, whatever, against Mr. Huck. I happen to know Mr. Huck for ten years, that his plate has been more than full, he just refuses to admit it. I got involved in this by driving out to the lake shore one day and noticing the weeds about 18 inches in on the road, and made a request to find out how could we get it mowed and I get a letter back from an individual out there that says he will not mow, hes not going to mow that with a bat wing mower but he did, its been mowed, he mowed it with a bat wing mower.

Also, I guess what really peaked my interest more than anything was that vehicles taken home by city employees, unit 300, 301 and 302, were called out on Saturdays, Sundays and holidays, after office hours during the week for emergency, also works with city street department on CIP projects, road repairs and grader work on Saturdays and Sundays, and I dont believe that. I went down there and talked to Mr. Woodall and Mr. Woodall, he could not verify any of that because it never happened. So if were going to make that excessive statement there, we may have made some other places.

Then there was a weed eater that was lost, and I dont know whether it was lost but they found it in a storage building because thats where they put it because it was blocking the entry way of the backhoe of getting in a garage, the weed eater they couldnt get it in there.

Weve had some problems out there in the loss of funds, we lost \$7,000 in 91, we lost \$6,000 in 93, I dont know whether weve done anything to change the way we have our bookkeeping or not. We have up until the present Lieutenant thats out there, there was a constant banter between lakes and lands and the lake patrol, each one, the lake, the shore, the lake patrol, lake rangers were busy covering their rear ends for being picked on by the other group because they had been denied the carrying of that pistol for some years. Mr. DeBoard, who the Lieutenant is out there now, is his son in law. He wrote you a letter right here dated November 11, and I doubt if it was dated November 11 why were just now getting it, in that we are, that is a cheer leading section, and I dont know that I believe any of that or not.

Council, there is a lady out there that lost her job, she was a police officer, she was threatened, and before she lost her job, she resigned, before she lost her job there was a dent in her pickup, and some untimely fashion she failed to report it and it would cost somewhere around \$250 and imagine a dent like that with your fist would cost \$250 to do a 96 vehicle. She was given a weeks suspension and later she was moved to downtown and then the tapes that I have that will be given to the City Manager and he and I discussed that, were not going to tell you whos involved in that and its not necessary. I do know that whenever an individual out there that can walk up to one of our concessionaires and say if you ever go over my head again Ill run you off of here and take your lease away from you, he doesnt have that authority, Council.

Theres three radios, they use our radio frequency for calling home and different children are using our radio frequency. I just dont think we need to be doing that.

Trees, Council, do you know that we give away our trees out there, on a three for one? Last Saturday I went out to the lake and caught up with a police officer named Robert Bishop. As soon as I got sat down I identified myself and sat down, he said I can tell you right now I cant talk or say anything about an individual. I said where did that come from. Now, I assume it came from the Chief, I dont know, but none the less, we couldnt talk about that, but he did, could show me some trees and tree plugs that hadnt been filled back in and were conservationists out there now, but we give a tree, three trees if they move one, and this police officer, Mr. Bishop, the last time he contacted or saw this firm out there, I want to see something on paper, oh, I dont have it, thats just the way it is, he said if you come out here, if I catch you out here again you better have something on paper, you know, Council, do you think that we should be doing that? Is that a policy that we have that give three for one if he moves one of our trees?

Beller: Explain to me if you would what does three for one mean?

Shanklin: They can have three of our trees out there on the lake.

Beller: Who?

Shanklin: And do whatever they want to with them.

Beller: Who is they?

Mayor: Who do you mean? I think what we dont understand is...

Shanklin: Three, you know the plug, plug a tree.

Beller: Where are they going?

Shanklin: We cant answer that. I think the City Manager will find that out in time, I think we will find out exactly what happened to them, but its, some say its one for one, I think Mr. Huck will tell you its one for one, but the firm out there says its three for one and theres holes out there, Council, and I took pictures of them.

But that, I dont know who that deal is cut with, but we need to find that out. (everyone talking) Ive already talked to the City Manager and well get to it and Ive got a stack and three tapes that I want him to listen to and Council Im just trying to get you to be aware of the fact that this, those lakes out there dont belong to one individual, nor is his word law, and its got to stop. Theres a bike path over there now on the west side of Lake Lawtonka there is a sign up there about a three and a half by a three and a half and it tells you that if youve got a motorcycle or a four wheeler or a trail bike and you can get it over that A fence, over that ten foot fence, you can ride up there in the western half, west side of our lake. Its there, Ive got a picture of it. I hope it gets taken down.

I went to Jackson Creek. Jackson Creek is knee deep in trash. I took pictures of it. Jackson Creek is a primitive area, I believe, is it Mr. Huck? Yeah, we havent cleaned that, but were conversationalists.

Beller: Conservationists.

Shanklin: Ill get there, youre the conversationalist. We have, I already told you, theres no sense putting that out there right now, I think the City Manager knows it. Council, its just to the point where we have to grab hold of our lakes and lands and for us to do it, Mr. Schumpert is going to have to take charge of it personally.

Warren: I just had a quick question back to the tree thing because I just remember seeing something come across my mail about if you wanted to have a tree put in one of the parks it costs \$95. Now evidently we have a contract with the guy with the bucket that digs up the trees, I dont know, are we paying him the \$95, is that going into the park fund? Evidently there is a contract some place because it said contractor, so, evidently there is a contract. It shouldnt be hard to track down.

Shanklin: I have no idea, but its not....

Maples: I think what you were alluding to, I think, Gil, you sent us a memo to Terrace Hills Neighborhood Association about adopting a tree or stuff like that.

Warren: Is that the same contractor that wed be talking about?

Schumpert: Well, I think what were talking about is that we, if you recall, you all set up a special fund because we were getting monies in for people to do these things and we were losing the identity of that money because we were putting it in another fund and so you all established a separate fund.

Warren: I didnt have any trouble with the money, I was just remembering...

Schumpert: I think Mr. Huck is saying yes, it costs about \$95 a tree.

Warren: But it said the contractor so Im assuming there is a contract let for that whole purpose.

Schumpert: Hes saying yes to that.

Shanklin: Well, I think Mr. Huck can allude to that real quick. Do you have a contract? (response inaudible) Is it three for one?

Huck: We have a contract with Gleason Tree Service to move trees and of course we furnish the tree either at a park or we bring it from our tree farm out at the lake or from the native stand and he charges us \$95 for his actual service; we provide the tree.

Maples: But if a citizen wanted one of those trees...

Huck: Excuse me?

Maples: But if a citizen wanted one of those trees, are we providing the tree?

Huck: What we do, we do on a one to one basis, but those trees have to be put into either a recreation area or brought into town.

Maples: But its supposed to be one for one?

Shanklin: Council, that has been abused, is what Im trying to tell you. If you have the courage and the guts and you wanted to go through your investigative powers it gives you from the City Charter, you could, there are people out there who will tell you about it. I think the City Manager, he expressed a desire that hed take care of it so I dont have any problem.

Huck: Theyre supposed to plug those when they get finished when theyre moving them.

Mayor: OK, Mr. Beller.

Beller: Yes, I think it is, Mr. Shanklin has brought a lot of this stuff to the surface this evening but I think were back to this thing again that thats the responsibility of the City Manager and Mr. Huck and I think that we should put that burden of whatever on their shoulders and I know that Mr. Huck had told us a few weeks ago that he was in a reorganizational stage and I think hes working on a reorganizational package. Isnt this what you told us Mr. Huck? And hes nodding yes I think, so maybe what we need to do is ask the City Manager to investigate all these complaints, I think thats his responsibility, and I think the fact that you have enlightened us with those this evening is what we need to know and if in fact these things are happening, I think Mr. Schumpert should be the one to get on top of them and get on top of them immediately.

Shanklin: I want him, I want that moved out of there, that would be my...

Beller: Well, I think thats his call, I think that would be his call, I dont think we need to micro manage the City administration.

Shanklin: Well, I dont think thats micro managing.

Beller: Well, it would be if were going to tell him how to do that, now let me finish one more statement then Ill shut up, Mr. Mayor, if I may. I think the time to do those types of things is at budget time and I think with the reorganization schedule that Mr. Hucks supposed to come up with, its conceivable that he may say my plate is full and now is the time to move it and if we give him a chance, I think youve brought some things up that are serious, there have been some serious considerations and some serious charges and accusations made and if in fact they are founded to be true then its time we did take action but Im of the opinion that a lot of this things, its sour grapes on the parts of some people and I think that Mr. Schumpert should be charged with the responsibility of getting to the bottom of it and what youve enlightened us. Thank you.

Shanklin: Its not sour grapes. I can go another route with it and I will do it if thats how Councils going to do it, I can tell you that.

Mayor: Yes, Mr. Purcell.

Purcell: I agree with what Mr. Beller said. I agree, Bob, youve brought some very serious things up, I think we as a Council...

Shanklin: Not even half of them.

Purcell: OK.

Shanklin: Not one tenth.

Purcell: Whatever, there may be more. I think we need to direct that the City Manager investigate it and get to the bottom of it or even we do it if we want to go that route, but I dont think moving that under the City Manager or the Assistant City Manager solves the problem because if we do that, the Assistant City Manager is just another department head. Weve got better things for the Assistant City Manager to do than be another department head.

Shanklin: He will delegate that.

Purcell: Well, then it goes right back to Mr. Huck maybe, what Im saying is I can support the investigation, we need to get to the bottom of all those things and the stuff you didnt mention tonight, and that needs to be done quickly, but I cannot support just taking part of the lakes division and just giving it to the City Manager or Assistant City Manager. Lets let Mr. Huck, hes promised us in January when we see the budget that hes going to reorganize that department. Now, I would have preferred itd been done a long time ago but hes got to have time to do it, so in the next budget I would expect to see a complete reorganization of the Parks & Recs Department and maybe lands or lakes doesnt belong under there, but at this point in time I think we need to do the investigation, just not move it.

Mayor: Ms. Maples.

Maples: Well, with that in mind, this is not the first time that we've raised issues on the handling of the lakes department out there. I mean it's pretty recent that we already handled one situation by one individual out there and if you're willing to support an investigation, John, then I'll make the motion that the Council do some internal investigations on what's going on out at that Lake Lawtonka.

Mayor: That would have to come up as an agenda item, to do the investigation. It's easy to do.

Maples: Well then I'd ask for Mr. Schumpert to bring that up at the next City Council meeting.

Mayor: Yeah, this item right here is the actual movement of this particular...

Williams: I don't think it has to be a formal deal, I think we can just direct the City Manager to go out there and make it happen.

Mayor: OK.

Purcell: We've got a City Auditor who can check a lot of that stuff out. He's an expert at that.

Mayor: What's the pleasure of the Council on this particular item?

Shanklin: Well, let me make my motion. My motion is to do what the staff is recommending, approve and direct reorganization as stated in the agenda item title and discuss the concession operations. We're still not through with Robinsons Landing. Council, I could stay here and talk another thirty minutes and let you listen to some tapes. If you all are going to stick your heads in the sand, I'm going to go another direction with it. I promise you I'm going to do it, find out what's going on out there and if you all are going to protect or stick your head in the sand, I'm not. Now, I guess, we'll make a report on that, Mayor, but there's one more item.

Mayor: To discuss the, I kind of want to split this up because the discuss the lake concession operations really doesn't have anything to do with that particular first part of this, so I'd like to take a vote to get the first part of this squared away.

Shanklin: Well, the first part says consider moving the lakes division from the Parks & Recreation to the control of the Office of the City Manager.

Mayor: That's right.

Shanklin: And that's what they say that they're to do, that is my motion, let's do that.

Mayor: Oh, OK, fine.

Beller: I'd like to make a substitute motion.

Mayor: Wait a minute, is there a second to his motion?

Sadler: I'll second his motion to approve that.

Mayor: All right.

Beller: All right, I'd like to make a substitute motion that we direct the City Manager to investigate the charges leveled by Mr. Shanklin and that he make an internal investigation in his department and report to Council. (went to next tape here)

Shanklin: Sixty days, you can do it in sixty.

Mayor: OK, further comments.

Sadler: My only question, when you say you can go a different way, what do you mean?

Shanklin: Well, you'll find out, when they appear for you down here, when you get them in jail over there from the court house, I'll show you.

Mayor: Thank you, please call the roll on the substitute motion.

VOTE: AYE: Beller, Green, Warren, Maples, Williams, Purcell. NAY: Sadler, Shanklin.

Mayor: That item passed six to two. Now we go to discuss the lake.

Shanklin: Let's talk about I think it's supposed to be Robinsons Landing, I don't see it on there.

Mayor: It just says lake concession operations.

Shanklin: And discussion of the Robinsons Landing concession, yes, it is in there, the fourth line up from the bottom. Council, we, maybe it didnt bother you all and evidently it didnt, but it did me, it took a year and a half for us to get to the School House Slough and we had two bidders and ended up with only really a legitimate one. Now you have an individual out there that wants to go ahead and put his money in there and increase the value of his camping concession and we should be, if were going to hold him for two years where he cant do anything, how would you like it? And I think if we gave direction to the City Attorney, he could find a way that we could extend that lease so that he can feel like hes got some comfort zone to protect his investment. Or do we just want it to lay there and go into the rags and weeds?

Williams: There is an alternative.

Shanklin: Well, lets hear it.

Williams: The present concessionaire could ask the City to terminate the lease and rebid it now, as opposed to waiting the two year period and probably not investing a whole lot of money and have it rebid at that time.

Shanklin: Well, Mr. Cruz, where are you on that? Ive read your comment where if he didnt like it he knew what he was signing that was just tough luck, I read that, is that the way it is?

Cruz: On the extension of the lease on Robinsons Landing? I was distracted for a minute there so what was the question?

Shanklin: Is there any way that his lease can be extended?

Cruz: I have researched that thoroughly, sir, and my response is no. The lease is on its final option year and that expires in 1999. The alternative is to agree to terminate the lease early and rebid the whole process.

Shanklin: It will take two years?

Cruz: He has two remaining years, sir.

Shanklin: Huh?

Cruz: He has two remaining years, January...

Shanklin: I know, but wouldnt it take us two years to rebid it?

Williams: 90 days.

Shanklin: And what does he do if he says I quit, does he still get to operate?

Williams: He cuts his loses.

Shanklin: Is that how you all want to do that?

Purcell: If hes going to lose....

Shanklin: If thats how you want to do it, do it.

Purcell: If hes going to loose in two years, why not give him the opportunity to do it now, then he knows where he stands for the next however long.

Shanklin: I just asked you does he or does he not have to quit operating his concession stand if he terminates his lease.

Mayor: Wait a minute, lets get down to order.

Shanklin: I am in order.

Mayor: No sir, theres no point in shouting at anybody, you dont need to do that, its a discussion and we understand it and thats all it should be, we dont have to shout at one another.

Cruz: If the lease is terminated, then all the operations stop out there.

Beller: The only question, I know occasionally on bid items, is that different where we say if we dont receive an acceptable bid we continue with the same party? The same bidder on an item? I noticed a number of times weve got that in our agenda where bids were concerned on items that were purchasing, if we dont get a bid, then it says in our packet that we elect to continue to extend the same contract with this particular company. Would that have any bearing on what Mr. Shanklin was trying to accomplish?

Cruz: No sir, under some of, under the general contracts that we have, we advertise for a contract for one year with the provision that the contract may be extended by the Council and the parties for an additional year or two. Under the current

agreement that we have with the concessionaire, it was advertised back in 1985 and it was awarded to the highest and the best bidder with the five year term with two options, so the options got to run its course then its terminated then we rebid it just like we did with the School House Slough.

Schumpert: Felix, one other question, or this begs one other question as a possible solution, its kind of a middle ground here, does the lessee have the ability to say I am requesting the Council to terminate the lease, lets see, this is November, the first of February, and then the City have the ability to go ahead and bid that in the meantime since we know that he intends to terminate the lease on a date certain in the future thats perhaps 90 days out, or whatever it would take us, and then, and then us go ahead and do the bid for that with an effective start date of whenever that bid ceases.

Cruz: Yes sir, the lease can be terminated early and advertised for bid.

Schumpert: So he could say I wish to terminate the lease effective say the first of March and we could start the bid process or the RFP process with, and in the packet saying you will take over the lease effective the first of March.

Cruz: Yes sir.

Schumpert: And that way theres no, the lessee doesnt have to, I mean theres no time in there where the lessees not, I mean that the concession or the operation of the concession is disrupted theoretically.

Cruz: Thats correct.

Williams: Let me make one comment though and it was something that we discussed a while ago and thats on the asset value, I mean, I know that the present concessionaire has spent a lot of money out there rebuilding, adding on, improving that facility and that is a must that has to happen prior to anything as far as rebidding or canceling or anything like that. Any response to that?

Cruz: At the present time, there is an asset list on this concession, it was dated about two or three years ago. It has a value of about 20, 20 or 30 thousand. If the Council and the Water Authority wants to review, update and modify that asset list, then the parties can agree to reviewing it, modifying it.

Schumpert: Felix, thats not...

Cruz: No, no, thats his question...

Schumpert: But Im saying that Mr. Huck is bringing to the Council, because thats already part of the contract, so thats going to be brought back and brought up to date.

Cruz: Yes sir, I was just responding to Mr. Williams question.

Williams: But I mean that asset needs to be done regardless of who does what.

Schumpert: Thats correct. And that asset, the current asset valuation would be what would be used in whatever approach we use for an RFP or rebid or whatever, and I dont know, I dont know because, I dont know which contract the current Robinsons Landing agreements under. I know we went through a lot of work and effort, time and energy of the Council to revise that lease agreement but I dont know if thats the one that Robinsons Landing is under but so we have a different approach in the current lease agreement to handling transfer of assets but thats assuming that the current lessee would not get the future contract. Were talking about, just thinking positively, the current lessee would get the lease agreement for the new term which would be I guess 15 years, or five years with two five year terms.

Williams: Mr. Hucks going to bring that back here what, maybe the first time in January or so?

Schumpert: Yes, I would hope that we would have it here by the first of January, by the first meeting in January.

END VERBATIM TRANSCRIPT